

Summary of the Advisory Office Action

1. The rejection of claim 80 under 35 U.S.C. 112 (first paragraph) was withdrawn.
2. The remaining rejections were maintained.

Summary of the Office Action

1. The previous rejection of claims 18, 20 to 37 and 60 to 65 under 35 U.S.C. 112 (first paragraph) as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention has been withdrawn.
2. The previous rejection of claims 18, 20 to 22, 36 and 60 to 61 under 35 U.S.C. 102(b) as allegedly being anticipated by Lofts *et al.* (1993) Oncogene 8, 2813-2820 has been withdrawn.
3. The previous rejection of claims 18, 20 to 24, 26, 28, 29, 36, 37, 60 and 61 under 35 U.S.C. 102(e) as allegedly being anticipated by Murphy *et al.* (1996) U.S. Patent 5,508,384 has been withdrawn.
4. Claims 67 to 78 and 81 to 86 were rejected under 35 U.S.C. 112 (first paragraph) as allegedly failing to comply with the written description requirement.
5. Claim 80 was rejected under 35 U.S.C. 112 (first paragraph) as allegedly failing to comply with the written description requirement.
6. Claim 79 was objected to as being dependent upon a rejected base claim but would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

Response to the Office Action

The Advisory Office Action dated February 2, 2005 and the Office Action dated May 6, 2004 have been carefully reviewed and the following amendments and comments are made in response. In view of the above amendments and following remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Rejections under 35 U.S.C. 112 (first paragraph)

Claims 67 to 78 and 81 to 86 were rejected under 35 U.S.C. 112 (first paragraph) as allegedly failing to comply with the written description requirement. Without acquiescing to the merits of the rejection, Applicants have amended claims 67 and 68 such that they incorporate all of the limitations of claim 79 and provide for a peptide that is at least sixteen amino acid residues in length. Applicants bring to the attention of the Examiner the experimental data disclosed on pages 42 to 43 where a peptide of

sixteen amino acids in length whose sequence was derived from the transmembrane domain of an alpha-1A adrenergic receptor.

Claim 80 was also rejected under 35 U.S.C. 112 (first paragraph) as allegedly failing to comply with the written description requirement. Without acquiescing to the merits of the rejection, this claim has been amended to remove the typographical error which resulted in the rejection.

Claims 67 to 78 and 81 to 86 were rejected under 35 U.S.C. 112 (first paragraph) for lack of enablement. Applicants have amended these claims so that they now provide for a peptide that is at least sixteen amino acid residues in length. In view of the *in vivo* experimental data disclosed in the specification and discussed above, Applicants submit that the specification adequately enables the amended claims. In view of the above amendments and remarks, Applicants respectfully request withdrawal of these rejections.

Conclusion

Applicants respectfully request reconsideration of the subject application in view of the substitute claims and the above remarks. It is respectfully submitted that this application is now in condition for allowance. Should the Examiner believe it to be useful, an interview with the Examiner is respectfully requested in order to discuss the foregoing claims.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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